

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TROY RAY EMANUEL JR.,

Plaintiff,

v.

**NEVADA DEPARTMENT OF
CORRECTIONS et al.,**

Defendants.

3:17-cv-00335-MMD-VPC

ORDER

1. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as

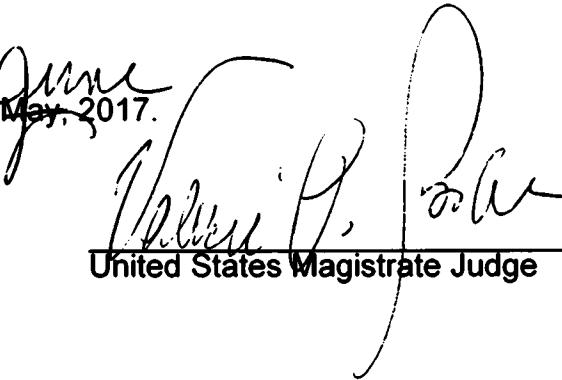
1 the document entitled information and instructions for filing an *in forma pauperis* application.

2 **IT IS FURTHER ORDERED** that within **thirty (30) days** from the date of this order,
3 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
4 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
5 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
6 administrative fee).

7 **IT IS FURTHER ORDERED** that, if Plaintiff does not timely comply with this order,
8 dismissal of this action may result.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall retain the complaint (ECF
10 No. 1-1), but shall not file it at this time.

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12 DATED: This 1-21 day of June, 2017.

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United States Magistrate Judge

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